MRS. HAYDEN'S STORY.

Testimony Favorable to the Reverend Prisoner.

THE QUESTION OF BIAS.

Counsel for the State Gets a Flood of Tears for Answer.

THE CLOTHES AND THE POCKET KNIFE.

In the Hayden trial to-day, the witness stand was occupied during both the morning and afternoon essions by the wife of the accused clergyman. Under Connecticut law a wife may testify for or estify in his favor. To-day she told a straightforward and apparently consistent story of her knowledge of r husband's movements during the period of the tragedy. On minor points she hesitated, as if to recall the facts, but on points of vital interest he answers were prompt and clear. As a whole she made a good impression, and was listened to with curious interest as she described the everyday occurrences about the house, in which her husban participated, on the day of the tragedy. She obved nothing in his movements that day to arouse suspicion of any kind.

cross-examination Mr. Waller, for the State. put to Mrs. Hayden a question of startling signifiance, and said to be entirely new in the annals of Concticut criminal justice. He does not favor the law nder which the wife may be permitted to testify in chalf of her husband, and, with marked emphasis, ande an inquiry intimating that so devoted a wife as the witness could not tell the exact truth if it led to imperil her husband's life. The only reply was a flood of tears, and the question was not The policy of putting a question of this haracter is widely discussed to-night and opinions iffer materially. By some it is criticised sharply. In her direct examination Mrs. Hayden testified in

substance as follows:—
I came away from Rockland after Mr. Hayden's and arrest and have been there but once since. merely driving through; I have made no examina tion since I left of the lines of sight; my husband was first arrested on Friday, September 6, 1878, three ys after the murder; Mr. Hayden went away on Sunday morning to preach at South Madison, and returned on Monday, at half-past three o'clock; Mary Stannard came to my house on Monday morning, at seven o'clock; I talked with her fifteen mines, and she said that her reason for calling wathat she had waited as long as she could without eing me and that she thought I would want to her also; we talked about her sudden return from Guilford, which was unexpected to me; she told me before going that she expected to stay for some time, if her child Willie got along well, but now she said that he had been very troublesome; she had therefore come home, hoping to arrange to leave him at her father's; if she could do e Studleys, her employers, would pay her better; again, I saw her at half-past nine passing my house, going half a mile away after butter; not minutes later she came into the house, eming annoyed, and remarked that the people ere absent; her third visit that day was at our in the afternoon; she asked for a rake and offered no other reason for calling; Mr. Hayden dining room window smoking; she asked him for the rake, and he went to the barn and got one; from a window I saw him going to the barn; Mary did not accompacy him; she was playing with my baby and sitting near me; Mr. Hayden, after an absence of a minute, returned with the rake; Mary put the haby in the cradle, as she saw him coming, and both of us went to the door togother: I stopped at the door, he being six feet away; in reply to a question he said he was in no hurry for the return of the rake, he having finished haying; there was no other conversation between them; he came into the house and Mary started home.

CONTRADICTORY TESTIMONY. dining room window smoking; she saked him for the

onversation between them; he can into the house med Mary started home.

CONTRADICTORY TESTIMONY.

[This story contradicts that of witnesses for the tate living in the opposite house, who swear they aw Hayden and the girl go out together to the barn, and entering, remain together four or five minutes, irs. Hayden meantime standing in the doorway, it is also claimed that Mary then told Hayden of her upposed by regnancy. After Mary went away he sat down by the window

"Great shocker, was he?"
"Yes, str." and the smile of the witness was joined in all over the court room.

Q. Did Mary go anywhere near the barn that day, either with or without Mr. Hayden? A. No, sir; she did not; she came again to our house at nine o'clock Tuesday merning, the morning of the murder, my husband being then absent, and borrowed a pitchfork; she got it in the barn sind went away; to my knowledge she was not at our barn on Monday or Tuesday other than as I have just stated; she made a second visit that Tuesday morning, about ten o'clock, having been to the store; it was her habit to call at my house frequently, for I encouraged her and gave her many little articles useful to her; we had frequently discussed religious subjects and—"What's the object of this?" inquired Mr. Waller, "Only to show the relations with Mrs. Hayden," replied Mr. Jones.

She seemed to have an interest in the subject of

"Only to show the relations with Mrs. Hayden," replied Mr. Jones.

She seemed to have an interest in the subject of religion; we talked of it at this second visit Tuesday morning; my children went up the road to her house with her, and, sitting at my north dining room window, I usually watched for their return from her house; I saw my husband's carriage when looking for the children; it was just beyond the spring, but I can't tell the exact spot, only that it was a little way up the road; it remained still but a moment and then came along; my husband and children were in it. [Mary was at the spring when Hayden stopped.] When my husband returned on Monoday, from preaching in Madison, he brought some oysters, pears and applies; we are some of the fruit and kept the remainder for preserving; at this time we were out of horse feed and needed some groceries and some fuller's earth, used for baby powder; Mr. Hayden went away after these things on Tuesday morning.

powder; Mr. Hayden went away after these things on Tuesday morning.

NOT COMMUNICATIVE.

He did not tell me where he was going; he often did not, and I seldom inquired about it; I knew that at this time my husband had an arrangement with a Mr. Burton, in Middletown, to pay Burton in produce for a lot of carpenters tools. When Mr. Hayden returned from Middletown, about noon of the day of the tragedy, he brought some feed, groceries and some poison; we had been much annoyed by rats all through our house and we had talked about getting rid of them by using aracnic; I always objected to it as dangerous; I sluggested "ratsoans," which I thought different from arsenic, and never knew the similarity until Protessor Johnson stated it in this trial; he told me that he had bought arsenic, but it was not until the first Sunday after the homicide; he was then under arrest.

subject of rats or arsenic was not referred to witness in any way in her testimony at the The subject of rate of the witness in any way in her testimon;
the witness in any way in her testimon;
celiminary trial.

I first knew from the papers that he went to MidI first knew from the pa

I first knew from the papers that he went to Mid-dletown for his purchases; speaking about it he said he bought the groceries in Durham and then went on to Middletown and bought the fuller's earth and arsenic.

Mr. Waller—I think we must stop right here the further narrative of these conversations. We have purmitted itto go so far as an explanation of the buying of the poison and where bought, but his declarations after his arrest we think are not ad-missible.

Mr. Watrous argued that the conversation about the entire transaction should be admitted. And it was the more important because while Mr. Hayden had put the arsenic in the barn a police functionary employed by the State had testified that he had not

of Justice Park—We think the deciarations are

Chief Justice Park.—We think the deciarations are not admissible.

"After your husband's return from Middletown that neon what did he do?" inquired Mr. Jones. The witness gave a history of his movements on this the afternoon of the murder.

He put away the feed and groceries; then he went out to the barn and was there awhile; returning he opened the oysters with his pocket knife, using the large blade. [Enife produced and identified. It is with this knife that the State claims Mary Stannard was stabled, and upon whose blade lood corpuscies were found.] It had no other knife to my knowledge; he handed the knife to me after opening the oysters, I folling him that I wanted to peed some pears; we had dinner at one o'clock, Mr. opening the oysters, I telling him that I wanted to peel some pears; we had dinner at one o'clock, Mr. hayden holding the baby while I ate; he afterward sleared the table and did some other housework; the hour was then half-past one; he made up the beds; that noon he brought me an administrator's letter and account of my mother's estate; we were to sign the latter, and alsecused it for some time; after playing on the floor with the children, about two or a quarter past, he said he was going over to the wood lot to throw out some wood; sitting at my dining room window I saw him going along the road, the children following him as tar as the forks; I saw him go on further to Burr's barn, where he turned off toward the wood lot, and then passed out of view; I was not particularly watching him; only happened to see him.

you? A. When near the Stevens barn, just below our house—200 feet or more—he turned and threw a kiss to me.

Q. Was that an unusual thing? A. Not at all, sir; I next saw him that afternoon about four collect.

without waiting, he came in at the back noor, go, basket, and, with the little girl, returned to the potato patch.

Q. When he spoke of going to his wood lot what did you say? A. I discouraged him, because it was so warm; but he said I would need the wood as he was to be away at work for several days.

Q. As he went from the Burr barn across toward his wood lot did you see him until he passed out of sight beyond the point of woods? A. No, sir; only about a third of the distance; after his return and getting the potatoes he wrote at his desk and also made the kitchen fire; the note was in reference to a school, but was never mailed, for it was never completed, the trouble of the murder intervening.

Mr. Jones placed upon a desk a lot of Hayden's clothing and Mrs. Hayden selected the ciothing he work in the atternoon—a shirt, pantaloons and overalls. Continuing, she said:—He had but three working shirts and they are all here; they are of different patterns; the shirt he wore was thrown in the wash; I found it up stairs the following morning, when all the washing was taken to a neighbor's house; she came to my house a day or so later and did the work there; an Episcopal clergyman having called at my house and the murder and suspicious against Mr. Hayden being discussed, it was concluded not to wash my husband's clothing which he wore on the afternoon of the murder; Mr. Hayden exhibited the shirt and pantaloons to sevoral persons.

NO BLOOD STAINS EFFACED.

oral persons.

No blood stains effaced.

Q. Was anything ever washed out of that clothing to your knowledge? A. No, sir; on the Sunday following the murder the clothes were taken away to South Madison, under the belief they would be im-

Q. Was anything or a washer on the Sunday following the murder the clothes were taken away to south Madison, under the belief they would be important in the trial.

I first knew of Mary Stannard's death about six o'clock on the afternoon of the murder; Mr. Hayden was sitting at his deak writing the note before referred to; he went out doors and returned two hours later; late at night he took his coat and said he was going after a coroner; I said I could not remain alone because I was so nervous; he did not go; Charles Scranton was in front of the house waiting for him in his wagon.

Upon the opening of the afternoon session the defence called out of their tura, as a matter of convenience, L. L. Burton and wric, of Middletown. They testified to the arrangement about the carpenter's tools, before mentioned, and that Hayden called at their house regarding them on the forenoon of the day of the murder.

Continuing, Mrs. Hayden testified:—After Scranton drove away we went to our chamber; I retired, and my husband called to him, asking whether he was needed; there was a light in the room. [Mr. Stone has testified there was not.] Mr. Hayden went away with Stone and returned some time during the night; the following morning he got breakfast, drew two loads of wood from the lot and went up to a neighbor's with the washing.

HAYDEN'S KNIPE.

The important matter of the whereabouts of Hayden's knife on the afternoon of the tragedy was taken up again. Witness said:—After opening the oysters he gave me the knife and I put it on a low shelf; about half-past three o'clock my little boy obtained the knife and I opened the large blade for him. [Witness examined the knife attentively.] This handle appears to be different some way; about four o'clock, on going into the kitchen, I found the knife on the floor, with some sticks and a pumpkin.

Q. What was your object in keeping your husband's knife in the house that atternoon; my husband had not returned at the time I found the knife on the floor after my boy had it; I put it back

pentering; he cut his finger with the point, and after he affair.

Hayden stepped forward at this point, and after his wife had identified the scar on his finger he passed around among the jurymen and exhibited it

little boy frequently used the knife, and only a little while before the tragedy Mary Stannard had bound

while before the tragedy Mary Stannard had bound up his fingers.

Two knives, owned by the boy, were next produced and identified. One of these, it appeared, had been missing at the time of the tragedy, but was found prior to the preliminary trial.

Q. When last before the homicide did you see Mary Stannard's father? A. That morning early.

Q. State the conversation with him?

Objected to, and Mr. Watrous argued that he wished to show that Stannard came to get Hayden to haul hay for him, and that Hayden refused, as he was going to Middletown. If he knew this, it is probable he told Susan Hawley and his daughter Mary, so that when Mary came to Hayden's house twice on the forenoon of the murder, she could not have come expecting to see him.

The Court ruled that testimony as to the conversation was inadmissible.

tion was inadmissible.

THE WIPE'S SUSPICIONS NOT AROUSED..

Q. Did you ever know of anything like intimacy between your husband and Mary Stannard? A. No, sir; three times only to my knowledge was she in a carriage with him; the first when we all went after cherries and the second after she was sick with poisoning Mr. Hayden brought her down from her house to mine to help me; the third time was in the month preceding the murder, when my husband, at my request, took her to Middletown to spend money she had earned by picking whortle-berries; he was very short of money himself at the time.

me. "What's the object of that?" demanded Mr. Waller; to which Mr. Jones replied, "Oh, we thought you might try to show some time or other that he bought arsenic this time and we could show that he

you might try to show some time or other that he bought arsenic this time and we could show that he was out of funds." (Laughter.)

Several scraps of evidence were next dropped in. One was that fuller's earth could not be bought in the town where Hayden bought his groceries. Another was that he kept his business wagon in his shed instead of the carriage for which it was testified Mary Stannard looked on the Sunday before the murder as an indication that Hayden was at home.

Mr. Waller now entered upon an extended cross-examination and-witness testified:—Mary Stannard was a medium-sized girl, rather good looking and of pleasant ways. (Photograph exhibited and identified.) She worked when she could and helped support her family! I do not know whether the lot where my husband pastured his cow is the lot wherein is located the spring where the Stannards got their water, but I presume so; he was in the habit of going after the cow evenings.

Q. You say Mary was at your house early Monday morning before the murder. Now, didn't he sometimes return from presching at South Madison Sunday evening or early Monday morning? A. Yes, sir.

Q. Hadn't this been his habit during August and

times return from preaching at South Madison Sunday evening or early Monday morning? A. Yes, sir.

Q. Hadn't this been his habit during August and after your baby was born? A. Yes, sir; I think so.
Q. When Mary called that Monday morning didn't you ask her if she only wanted to see you why she didn't come down to your house Sunday afternoon? A. No, sir.
Q. She seemed depressed in spirits, I believe? A. Yes, sir; and I said she didn't act naturally; she was usually laughing.
Q. Did she not seem greatly depressed? A. Yes; one time she said she had a good mind to kill hersel; this was just before the murder.
Q. Did you understand that to refer to any little petty trouble about the child? A. No, but about the studleys; something she told me happened before she left a certain place.
Q. Didn't it strike you as singular that she should come to your house three times on the day after she returned? A. No, sir.
Q. After your husband returned from Middletown at noon on the day of the murder don't you remember that he told you nothing about where he went? A. I don't remember anything about it.
Q. Did you know he had been there until you saw it in a Middletown paper the day after his arrest and that he had bought poison? A. I saw something about Middletown, but nothing about poison: I think he may have said something about poison: I think he may have said something about Middletown the day of Mary's burial.
Q. Hadn't you for long months been troubled with raits? A. Yee, sir.
Q. Were there any rats in the parsonage where you previously resided? A. I don't remember.
Continuing, the witness said that neither at the time of Mary's death nor the inquest nor at the burial did she know anything about the purchase of arsenic.
Q. If, after you knew your husband was suspected of murder, he had told you about having

Continuing, the witness said that neither at the time of Mary's death nor the inquest nor at the burial did she know anything about the purchase of arsenic.

Q. If, after you knew your husband was suspected of murder, he had told you about buying arsenic, do you think you would have forgotten so important a matter? A. I have no recoilection about it, but only an impression that he did speak of it the day of the burial.

Q. And you said nothing at the proliminary trisi about this arsenic? A. No, sir; I was not asked about it, and so I did not mention it.

The witness was questioned closely as to how she sat in the chair in her window when she saw her husband throw a kiss and then go down the roadway toward his wood lot. It was evident that she could not see these things when sitting in a natural position; but, with a woman's ready wit, she explained it as being possible that she might have leaned over or turned around. A question arising as to the time when he woit away, there being a discrepancy of haif an hour in various statements, Mrs. Hayden denied that she had ever made any assertion differing from that made to-day. Continuing, she was forced to admit that no one other than herself saw him when he left home or saw his knife in the house all that afternoon.

An extraordinary question:—

"As this accused its your husband and the father of your children and as you have confidence in her husband and that, from all she now knew she believed him innocent of the nurder. With this last answer she burst into tears, and many ladies in the court room joined with her in pressing their hand-kerchiets to their faces. Mr. Waller then put this extraordinary question:—

"As this accused its your husband and the father of your children and as you have confidence in his mnocence, let me ask you if your mind is in that condition that if you believed it necessary to save his lite, you would not hesitate to make an incorrect statement to serve that end?"

There was a buzz of excitement throughout the room, and Mr. Walrer rose a

having the love and confidence in a man that this woman has may tell the exact truth; but, as the world now is, a true and loving woman will, from the natural operation of her mind, be spi to exaggerate, prevaricate, and, it need be, tell an absolute falsehood to protect the man she loves. (Sensation.) I say nothing I would not say of my own wife; and if my wife, the mother of my six childen, would not, if I was placed in a position such as Hayden's, perjure herself in my behalf, I would never love her again as now. Women will always stand by their husbands against everything until a higher life is reached. Let the jurors consider the bias of love and fidelity this woman is living under and weigh her testimony accordingly. The wisdom of ages has been against placing a woman in the position fa which she is now placed; but our Connecticut law permits her to testify in her husband's behalf. The State could not summon her to testify against him. I only but the question to show the bias under which this lady must have testified to-day.

Mr. Watrous characterized the question as an affront. He did not believe that any power under Heaven would lead this Christian woman to speak an untruth. The question she would answer without hesitation, but it is highly improper. In all his long experience at the bar he had never heard such a question.

Mr. Waller rejoined:—'My only desire was to show the bias, and I shall not press the question."

Chief Justice Park—We do not think it a proper question to ask.

Mr. Waller—I have no others to ask at this time.

SUFFREING FROM INSULTS.

question to ask.

Mr. Waller—I have no others to ask at this time.

SUPPRINKO PROM INSULTS.

On the redirect examination Mrs. Hayden said that she had no knowledge of Mary Stannard's physical condition on her return home just before the murder. Witness continued—The time Mary spoke about killing herself, which was the morning of the murder, we had been talking about the trouble with her child at the place where she was employed; I did not make any inquiries because I knew of her being forced to leave other places.

Q. Did she tell you about being forced to leave one place because of the insults of some man where she was working?

"We object," exclaimed Mr. Waller,
The point of this inquiry was to show that in various places where she worked the men were in the habit of taking liberties with her, because they knew she had an illegitimate child. An argument as to the admissibility of the question followed, the defence claiming the right to show why the girl wished herself dead. Here was a real cause, instead of the fictitious cause presented by the State, which was her alleged belief in her pregnancy.

Chief Justice Park—If the girl said anything it is admissible, but the opinion of the witness as to the girl's sorrow would not be.

After a remark of Mr. Watrous that he would consult with the witness and ascertain just what she would testify to the court adjourned until to-morrow. Mrs. Havden's testimony will then be closed, and several witnesses of minor importance will be called. Mr. Hayden will not be called until near the close of the testimony-in-chief for the defence.

GREENFIELD REPRIEVED.

THE GOVERNOR GIVES HIM TIME TO APPLY FOR A NEW TRIAL-AN INTERVIEW WITH THE PRISONER.

SYRACUSE, N. Y., Dec. 10, 1879. Governor Robinson to-day gave his decision in he case of Nathan Orlando Greenfield, coned to death for wife murder. At eleven o'clock the Sheriff received a despatch, stating January 30, 1880. At two o'clock in the afternoon Sheriff Meldrum visited Greenfield's cell and read the telegram to the prisoner. Greenfield showed much pleasure and expressed himself as gratified at the decision of the Governor. He stated that he should now have an opportunity to obtain a new trial and prove his innocence of the crime.

This evening a representative of the HERALD had a talk with Greenfield in his cell in the basement of the Court House. As the reporter stood in the corridor waiting for the sailer to procure his key one of the prisoners called out from his cell, "Mr. Greenfield." It seems that the prisoners hold Greenfield in respect and invariably address him as "Mr." The reason is that Greenfield maintains a proper dignity among them and does not use any vulgarity of anything tending to lower himself in their estima-

on.
"What is it?" saked Greenfield.
"Mr. Greenfield, will they give a fellow a pillow
he asks for it?"
"I don't know," said Greenfield; "I never asked

for one."
At this juncture the jailer arrived and the reporter proceeded to Greenfield's cell. After a greeting the reporter propounded the question, "Are you satisfied with the Governor's decision?"
"Oh, yes, yes," replied Greenfield.
"Do you think that you will have an opportunity to obtain a new trial?"
"I think so."
"The reprieve places you in a little happier frame of mind, does it not?"
"Well, yes; it would naturally make any one feel botter."

"The time had grown rather short," ventured the "The time had grown rather short, venested the reporter.

"Yos," remarked Greenfield.

"Matters may turn out all right for you yet," said the reporter. Greenfield's reply showed that he fully believed that he would eventually be acquitted.

"I really believe they will. I have never lost faith, but have always thought justice would some time be

Greenfield is allowing his mustache and whiskers

has accumulated so rapidly that his clothes have become too small for him. He has had to have the waistband of his pantaloons set out and has been compelled to procure larger collars.

THE REPRIEVE.

The following is the Governor's momorandum, filed at twenty-five minutes past five P. M. with the Secretary of State:—

Nathan O. Greenfield is respited until January 30, 1880. This rotrieve is granted for the purpose of giving time for prisoner's counsel to obtain certain depositions which he believes he can obtain, upon which to renew his application for a commutation of sentence, and which he had hitherto been prevented from obtaining by severe illness produced by the extraordinary labor and excitoment of the trial. Copies of all such depositions are to be served upon the District Attorney of Oswegocounty within thirty days from date hereof.

The next step in the case will be to obtain a writ

The next step in the case will be to obtain a writ of error, which will enable the counsel for Greenfield to carry the case before the General Term and move for a new trial on the minutes of the Court, and on the ground of newly discovered evidence.

INDICTED FOR MURDER

[BY TELEGRAPH TO THE HERALD.]

WOOSTER, Ohio, Dec. 10, 1879. To-day the Grand Jury indicted John Callaha Anthony McGowan, Sr., Anthony McGowan, Jr., and James Saddler for murder in the first degree, in having killed John Tormie on the 2d of October.

CHIEF MATE VAN KLEECK.

THE CHARGE OF MURDER AGAINST HIM WITH-DRAWN, BUT OTHER CHARGES PRESSED. Mortimer M. Van Kleeck, late chief mate of the American ship Cashmere, who was arrested recently and charged with assaulting and causing the death of a seaman named Christian Halreosen while at sea, was brought before United States Commissioner Allen for examination yesterday afternoon. He was represented by Counsellor Hull. Assistant United States District Attorney Angel, who appeared for the government, stated that he had in his possession several additional warrants for the arrest of the prisoner upon charges of assault. Mr. Hull claimed that Commissioner Allen had no jurisdiction in the matter, as the offence was committed in port. The Assistant District Attorney, who remarked that some were committed in port and some not, called the case one Andrew Jansen, a seaman of the vessel. Mr. Hull said that before his client was tried upon the simple charge of assault the serious charge of murder should be disposed of. After some argument the Assistant District Attorney finally withdrew the charge of murder. The case of Andrew Jansen was then called. The plaintiff, when placed upon the stand, testified that or January 7, 1879, while the vessel was out of sight of land, he was ordered by the prisoner to cut the ratilines in the foretopmast rigging, which he did; the mate told witness that he did not order him to cut the sizings in the ratilines and witness claimed that he did; the prisoner them struck at him with his hand and said he would give it to him after dinner; after dinner the prisoner actempted to stab witness with a pocket knite; witness in warding off the blow caused the mate to strike his own face, upon which there was a boil; this so exasperated the prisoner that he drew his pistol and fired at witness, but did not hit him; the captain then appeared on deck and ordered the mate to "knock off that shooting."; the mate replied that he would shoot anybody who gave him "back talk;" the captain then took witness into the cabin, telling him he had better keep out of the mate's sight for a while. The witness was cross-examined by Mr. Hull, who declared that the proceedings against the prisoner were instigated by the second mate and urged on by the Deputy Marshal of Boston. The Assistant District Attorney said he had eleven witnesses whose testimony would show the most brutal treatment on the part of the accused from the time the vessel left this port until she reached Boston.

Faul Datow, also a scannan on the Cashmere, teaching that he saw the accused from the time the vessel left this port until she reached Boston.

Faul Datow, also a scannan on the Cashmere, teaching that he saw the accused from the time the accused attempt to stab Jansen and also shoot at him; the captain asked the mate if he did not know he was going against the law, and the m one Andrew Jansen, a seaman of the vessel. Mr. Hull said that before his client was tried upon

TRIAL OF THE VOLKMERS.

MARY CONNOLLY RETELLS THE STORY OF THEIR

ATTEMPT UPON THE LIFE OF CHARLES E. BLAIR-HER CROSS-EXAMINATION BEGUN, The Court of General Sessions was crowded to the mers for administering poison with intent to kill Charles E. Biair at No. 114 Essex street being evidently on the increase. Assistant District Attorneys Rollins and Bell appeared for the prescution, the prisoners being defended by Messrs. Hathaway and Bogart. Blair was in attendance, but was not again called upon to testify. When Judge Cowing took his and Mrs. Volkmer with Blair on the steamer and the subsequent visit to the Marshall House in Boston.
On both occasions Mary Volkmer stared his room.
She then detailed the circumstances of the return to
New York and visit of Blair to the spartments of the Volkmers. A plan was arranged to bla to the visit of Blair to this city on Thanksgiving about an hour before the time agreed upon. While they were awaiting his appearance Volkmer ex-pressed himself to the effect that the blackmati business was tedious, shoplifting was played out and tained, together with a white powder. Volkmer dissolved some of this powder in warm water and mixed it in whiskey and beer to show that the appearance of, the liquid did not change, Blair arrived sooner than he was expected and Yolkmer was compelled to hide under the bed; then Mrs. Volkmer and Blair went out to buy a Thanksgiving turkey for next day's dinner and sausages for supper; the witness and Blair went out for cranberries at the request of Mrs. Volkmer in order to give her husband a chance to leave his hiding place; just before witness left the nouse she took with her one of the bottles of solution of morphine and a druggist named Bredenfeld said it was poison, so labelled it and told her to be very careful in using it; while going for the cranberries Blair told her that Mrs. Volkmer was the only woman he had loved since his wife died. The witness then went on to state how Blair surprised Volkmer in his wife's room, and the manner in which Mrs. Volkmer explained the matter, still carrying out the rôle of the injured wife by abusing her husband, and ordering him away. When Volkmer reached the street he remained outside to await a signal from his wife, but none came.

REER AND POISON.

the injured wire by abusing her husband, and ordering him away. When Volkmer reached the street heremained outside to await a signal from his wife, but none came.

BEER AND POISON.

Witness them described her visit to a museum on the Bowery, where she met Blair and Mrs. Volkmer: she subsequently saw Joseph Volkmer at his apartments; Mrs. Volkmer asked her upstairs, stating she was going for a pint of beer; Mrs. Volkmer went for it, returned, and poured it out. She handed a glass of beer to Blair; there was no poison in that; the beer was poured out in ordinary beer glasses, Blair drinking out of a red glass; Blair oxpressed some fears lest Volkmer might come up; "No," said Mrs. Volkmer, "he is drunk in a saloon; he has not been here in eight days; he has taken all belonging to him out of here;" in shout iffteen minutes some more beer was brought in; Joseph Volkmer then appeared on the scene, and, pretending to be intoxicated, took a chair in the middle of the room. (The witness imitated the, action of Volkmer as he sat on the chair awaying from side to side, and the Court was convulsed with laughter.) "Mr. Volkmer," said Blair, "have you any ill feeling against me?" "Blair was pretty well gone, too," added the witness. "Not a bit at all," replied Volkmer, and meanwhile Blair shook violently; Volkmer then suggested the propriety of getting some more beer, stating that he had \$100 to pay a brewery msn; Volkmer went out for the beer and came back; he looked at Mary Volkmer and spoke to her in German; witness sat facing the window; Mrs. Volkmer put her hand under her apron, and taking a bottle with the red label on it from her pocket poured some of the contents into the glass of beer intended for Blair; "Drink, Mr. Blair," said Volkmer, "and," added the witness, "he drank it teetotally;" he began to get very sick; Joseph asked what was the matter with him: "I have got a terrible hesidache," replied Blair; Mary and Joseph looked at one another in a significant manner and laughed, the latter still pretonding to be in

mester in New Sersoy; she had also been employed as a cook in Varick street; she siso kept house for a man named Taylor, who as a mechanic had been employed on the "L" road; witness admitted that she had been twice in State Prison, the first time being for two years, on the charge of shoplifting, and the second for picking pockets; she had also served two months in the Penitentiary for assault and battery; witness would not swear she had not been on Blackwell's Island for six months; she denied all complicity in the comprisery, and emplatically consequences. Biackweil's Island for six months; she denied all complicity in the conspiracy, and emphatically con-tradicted the statement that she had ever said that Volkmer's plan was to kill Blair, disguise him as a tramp and place his body in the cellar. The cross-examination will be resumed this morn-

MURDER IN THE FIRST DEGREE.

CONVICTION OF PIETRO BALBO FOR THE MUR-DER OF HIS WIFE-TO BE SENTENCED TO-DAY.

The trial of Pietro Balbo for the murder of his wife was continued in the Court of Oyer and Ter-miner yesterday, Judge Daniels on the bench. Two female witnesses were produced on the part of the defence, who testified to the dead woman's distike of her husband and her possession of the knife with which the killing is assumed to have been done, and with this the testimony on both sides closed. The ase was then summed up to the jury by Mr. Buckingham on behalf of the accused, followed by Assistant District Attorney Lyon on the side of the prose-

cantion.

The tormer argued that the story of the prisoner, that the blows were inflicted by him in self-defence while resisting an attack upon him by his wife, must be believed, while Mr. Lyon argued at length in opposition, that the nature of the wounds and all the surrounding circumstances, including Balbo's admission atter arreat, contradicted that theory, and concurred in demonstrating that the murder was deliberate, and that jesiously and the slights of his wife were the motives for the deed. In concluding his argument Mr. Lyon urged upon the jury that if they concurred with him in his interpretation of the evidence it would be their duty to uphold the hands or justice by rendering a verdict which would operate as a warning to a class of persons who almost constantly go armed with deadly weapons, and among whom the taking of human life is iar too frequent. In submitting the case to the jury Judge Daniels reviewed the law as applicable to the four phases of which it was claimed the case was susceptible—those of murder in the first and second degree, mansiaughter in the third degree and justufiable homicide. Stating with much detail the evidence given on both sides, he indicated to the jury how it might be applicable to one phase of the case or another, as they might be impressed with its truth, and concluded by saying that as to any phase of the case, whether to acquit entirely or reduce the grade of the offence, they were bound to give the prisoner the benieft of any reasonable doubt which might arise on the testimony.

The jury retired at four o'clock, and in fifteen minutes returned into court with a verdict of murder in the first degree. The jury being polled at the request of Balbo's counsel, each one answered that the verdict as rendered by the forems was his. Balbo received the result without apparent emotion, although an impression prevailed before it was rendered to the City Prison by two deputy sheriffs, followed by a crowd of hits country men and women.

FIGHTING FOR LIFE. The former argued that the story of the prisoner,

FIGHTING FOR LIFE.

be reversed.

District Attorney Croak, of Richmond county, replied, briefly reviewing the most salient points of the case for the people. He contended that upon the whole evidence the jury had found the prisoner guilty of murder in the first degree, and the Court had pronounced sentence, and defendant's argument for a new trial was untenable. Decision was reserved by the Court.

A SCHOOLBOY'S KNIFE.

Henry Seymour and Ulysses Grant Wilson, both ander fourteen years of age, left Grammar School While proceeding homeward Seymour, as is alleged, began teasing his companion, who grew angry and finally drew a knife. Seymour produced a similar weapon, but before he could defend himself Wilson weapon, but before he could defend himself Wilson had plunged his weapon into the other's side, the blade penetrating between the ribs. Seymour fell bleeding to the sidewalk and was carried to his home in 132d street, near Sixth avenue. Yesterday Seymour's father appeared in the Harlem Police Court and told Justice Wandell that his son was confined to the bed, but he thought would be out in a few days. He did not wish to press the complaint against young Wilson and Justice Wandell, after giving the latter a very severe lecture, discharged him.

DOCTORS PUZZLED.

LITTLE JOHNNY M'EVOY CONSCIOUS AND REST ING EASILY WITH HIS SKULL CUT IN HALVES.

kill him in a few hours if he does not die as a direct result of the wound." This was the conclusion ar-Tuesday night at the bedside of little John McEvoy, the lad whose brain was cut nearly into halves by a The lad was still breathing regularly, but his left arm was paralyzed and the left side of the face was in a similar condition. True to the prediction of the physicians, the paralysis spread later to the left leg, the pulse began to fail, and at midnight it was evident that the patient was sinking rapidly. Then another change set in, and little Johnny for a second time astonished the doctors. He fell into a gentle slumber and his pulse gained until it about shooting rabbits and such subjects as clearly indicated that his mind was wandering. The pulse then regained its normal condition; the breathing became as regular as that of a healthy person in a sound slumber, and no one who saw him yesterday morning as he lay stretched out on a little cot in St. Joseph's Hospitai would for an instant have imagined that a cut a quarter of an inch in width almost divided into haives his skull and brain.

A TREBIBLE GASH.

agined that a cut a quarter of an inch in width almost divided into haives his skull and brain.

A TERRIBLE GASH.

The child, hardly fourteen years of age and very small even for those years, lay on his back, with his head somewhat inclined to the left side. He seemed to be peacefully sleeping, and only the nervous movements of his hands and legs and the ugly plaster on his face indicated that anything was the matter with him. The paralysis had abated somewhat and the patient could move his left hand with case, though he seemed to have difficulty in bending the cibow of that arm. The contraction on the left side of his face could hardly be noticed. A wet cloth is kept continually on the wound, and when this was removed its extent could be clearly seen. Part of the right nostril had been torn away by the saw and between that and the left eyeball was cut into, causing some inflammation, so that both eyes are closed, though he can see clearly out of the right cyc when the cyclid is forced back. During the night the scalp, which had previously contracted, leaving a gaping wound, had again resumed its normal place, so that the wound did not look near as ghastly as before. The hand of the surgeon had stitched together the lips of the wound, but between the stitches the brain of the child could be plainly seen. At times a slight throbbing was noticeable at the temples, and occasionally there was a plainly visible pulsation near the wound. The boy's father visited him during the night and had some conversation with him. "Father," said the little sufferer, after talking intelligently for a few seconds, "it hurts me so to talk. No one can imagine what pain I me so to talk. No one can imagine what; suffer in my head. I did not know that pain be so severe." The father forbore further ques and the child relapsed into his slumber-like c tion.

tion.

Not Suffering Much.

Yesterday afternoon, while a reporter of the Herald was watching the child, one of the Sisters of Charity, in whose charge he is, approached his bed-side and, tapping him lightly under the chin, inquired:

"Johnny, do you want a drink?"

"Yes," replied the child in a clear voice, shout the tone of ordnary conversation.

When he had slaked his thirst with water containing some stimulants, the Sister pursued her inquiry:

quiry:-"Have you a great deal of pain now?"

"No."
"How does your head feel?"

"How does your head feel?"
"Good."
"Do you suffer at all?"
"I have a slight pain in my right eye,"
"Do you sleep any?"
"A negative shake of the head seemed to imply that he did not want to be questioned any further and so he was allowed to rest. So far he has received no nourishment since the accident except stimulating and invigorating medicines. He rested very quietly late in the afternoon and seemed to be improving. A number of physicians bave visited him and all are nopplussed at the strangeness of the case. At a late hour last night his condition had undergone no change.

MRS. O'HARA'S WILL.

PROGRESS OF HER GRANDDAUGHTER'S CONTEST BEFORE THE SURROGATE OF KINGS COUNTY.

The contested will of the late Mrs. Mary O'Hard who died last spring, leaving an estate estimated to be worth about \$80,000, came up in the Kings County Surrogate's Court, before Surrogate Abram H. Dailey, yesterday, pursuant to adjournment. Mr. Edgar M. Cullen is counsel for the proponents. Ex-Judge Morris and Counsellor Starr appeared for the contestants. Judge Alexander McCue was recalled to the witness chair, and testified that he spoke to Mrs. O'Hara about her making provision for Miss Gussie, one of her grandchildren; deceased professed a general unwillingness to do anything for fessed a general unwillingness to do anything for Miss Gussie. Counsel asked witness if he thought it was right that she should give her granddaughter so small a sum. Witness replied that he didn't know that he had formed any opinion on the subject, but he believed all persons had a right to do what they chose with their own; he could not say that Mrs. O'Hara ever gave special reasons for not doing more for alias Gussie. Witness knew Father O'Hara's nicce, Miss Magee, who came from Syracuse to see Mrs. O'Hara; had heard Father Maguire say he wrote the letter for her to come on. Counsel asked if Father Maguire gave show after the desired and that she was to have \$5,000 if she came on and stayed with Mrs. O'Hara; had come on and and stayed with Mrs. O'Hara Maguire had over Mrs. O'Hara by writing for a party to come on and promising her a large sum to do so. After hearing argument in relation to the admission of the declaration of Father Maguire to witness, the Court excluded the evidence.

Witness, in conclusion, said he suggested that the old lady should leave Mus Gussie the income of \$19,000, and drew up a clause to show her, in the hope of bringing her to his way of thinking; after the death of Mrs. O'Hara witness suggested to his co-trustees whether they could not rightfully apply a portion of the trust to her relief; Father Maguire said that to do anything of that kind, he thought, would look like a contession of weakness on their part; that they were not strong in their present position, and that nothing had botter be said about that at present.

On the cross-examination witness stated that seventhal Miss Gussie. Counsel asked witness if he thought

THE SILVER LAKE TRAGEDY REVIVED THROUGH
EDWARD BEINHARDT'S APPEAL FOR A NEW
TRIAL.

Argument was beard yesterday before the Supreme
Gourt, General Term, of Kings county, before
Justices Barnard, Gilbert and Pratt, in behalf of
Edward Reinhardt, now under sentence of death, in
Richmond county, Staten Island, he having been
convicted of the murder of his wife. The particulars of the Silver Lake tragedy are familiar to the
public. The case came before the General Term
upon a writ of error procured by Mr. W. F. Howe,
who argued the case at considerable length in
behalf of his client. He said the indictment was
in error in charging the prisoner with having mur-

THE HARLEM SHIP CANAL

PROGRESS OF THE ASSESSMENT OF PROPERTY TO BE CONFISCATED-TECHNICAL DIFFICUL-TIES-THE LAND TO BE READY FOR THE ENGINEERS IN THE SPRING.

The commission appointed by Judge Donehue, under an act of the last Legislature, to condemn lands for the construction of the channel of hip canal between the Harlem and Hudson flyers, has made rapid progress, and it is expected the work will be fairly under way by the migdle work will be fairly under way by the migdle of next Spring. The commission consists of General W. F. Smith, president; James D. Fish and William R. Grace. The meetings are held at No. 166 Broadway and for the present are devoted entirely to the valuation of lands to be condemned. In order that the project may be properly understood it is necessary to state that by an act of Congress the cost of constructing the canal will be defrayed by the United States government, in accordance with the plans prepared by General Newton. But before the act can take effect the value of the land condemned by the Commissioners must be assessed on the adjacent property, and herein lies the delay in the completion of the work. The State of delay in the completion of the work. The State of New York has, by an act of the last Legislature, surrendered all title to the lands needed, subject to the claims of the owners of the different tracts. There claims of the owners of the different tracts. There are about forty of these owners, and the only difficulty experienced by the Commissioners lies in the controversy regarding the assessments. Up to the present time the commission has acted on only three tracts—viz., the Kemp property, about one acre; the Carman property, close to the bridge, nearly an acre, and two pieces of five and a quarter sores belonging to Mr. L. C. Morris. As much of the property on the line of the proposed canal has been covoted for railroad purposes the owners have been very reluctant to part with it. The greater part of the property condemned is composed of marshy flats, which lie partly within and partly without the old bulkhead line of the Park Commissioners. But the Commissioners find it no easy task to axyange a compensation wift the owners, who in many cases are most unreasonable in their demands. Claims are made, the Commissioners say, for small patches, most of which lie under water, far beyond their value, the owners believing that their terms must be complied with. The most valuable piece of property is that of the Spuyton Duyvil Bolling Mill Company. The channel of the canal will run through solid rock on this tract, and the width of the channel will be contined to 350 feet. The other portion of the channel will be soo feet in width and fifteen feet in depth.

WHAT COMMISSIONER FISH SAYS.

"I am glad to meet you in relation to this subject," said Mr. James D. Fish, one of the Commissioners, last evening to a Henalu reporter, "for I assure you we are very anxious to complete our labors. I, for my part, shall feel a lasting pride in this great work. But it is not without its difficulties. We have had a good deal of travelling, and in appraising the value of land by an act of the Legislature men's motives are not a lways correctly understood. But we think the success of the scheme will repay all our efforts, and, as far as I am personally concerned, I will devote my time to the work till I see it successfully completed, if I l are about forty of these owners, and the only diffi-

so long."

"How soon do you expect to have the land ready for the engineer!"

"Not later than spring, if nothing extraordinary takes place. We will then be ready for the excavation."

"Not later than spring, if nothing extraordinary takes place. We will then be ready for the excavation."

"Weat delay do you anticipate?"

"Well, you see many of these property owners have false ideas is regard to our position in the matter. They think that, come what may, we cannot do without their land and so in many instances they become unreasonable. But even that will not deter us, for the improvement will be a benefit not only to the State, but to the entire country. A cannot between the two greatrivers bounding Manhattan Island on the east and west has long been needed, and I only wonder the work has not been undertaken long before this time. It would have added millions not only to the value of property, but to our commercial interests."

"What about the cost?"

"Aye, that is the main question. The State of New York, in the first place, surrenders all its rights in the land. In the next place, the owners of the property which may be condemned will be compensated by those whose property may be benefited according to the asse-sments. We have not yet been able to calculate the amount of the assessments, as the work is necessarily slow."

CONTINGENT EXPENSES.

"How will the contingent expenses be defrayed?"

"The contingent expenses will be very small, for we are proceeding very economically."

"You need a counsel to investigate the titles to the land?"

"Yes; but that item of expenditure will be taxed on the general assessment."

"Yes; but that item of expenditure will be taxed on the general assessment."

"How often are your meetings held?"

"Well, very frequently. General Smith, our president, has been in Washington and I was called to Boston, so that our meetings have not been held within the past week as regularly as usual. But in the coming and succeeding weeks we intend to push the project through. It is our intention to complete our labors within three months."

"What will be the cost to the United States government for the despening of the channel?"

"Ah, now you have put a knotty question. I would say that it cannot be done for less than \$2,000,000. But General Newton will be best able to tell you about that. As far as the Commissioners are concerned the land will be condemned and turned over to him within the time I have mentioned."

Commissioner Grace takes a very hopeful view of the project. He says that the property owners have thus far shown a great disposition to aid the Commissioners in the furthernee of the scheme. Some missioners in the furtherance of the scheme. Son trifling technicalities have delayed the negotiation but he is satisfied that the work will be fairly und way by the first of May. According to his statement the channel will in some places be sunk from fiftee

the channel will in some pieces of such that the eighteen feet.

General Newton expresses the opinion that the natural effect of the tides will be to deepen the channel of the canal. The Commissioners will hold another meeting on the return of General Smith from Washington.

NORTH RIVER PIERS.

HAS THE NEW YORK CENTRAL A VALID LEASE OF THOSE AT THE FOOT OF SIXTY-THIRD AND SIXTY-POURTH STREETS?

The steamboat Manhattan, in the service of the Dock Department, made a trip up the North River yesterday afternoon as far as the grain elevator pier of the New York Central Railroad, at the foot of Sixty-fourth street. Among the passengers who dis embarked there were the Mayor, the Comptroller City Chamberlain Tappan, Mr. Tousey, General Superintendent of the New York Central road, and Dock Commissioners Dimock and Vanderpoel. In few moments they formed a group around a map of the river front in that locality, and a discussion of the important question at issue began. The Dock Commissioners, it appears, in November last adopted a plan for a new pier at the foot of Sixty-fifth street, and presented the same—together with plans of two piers already constructed at the foot of Sixty-third and Sixty-fourth streets—to the Sinking Fund Commissioners for their approval. At a meeting of the latter body, held two weeks ago, the Comptroller expressed some surprise that the two piers had been constructed without the approval of the Sinking Fund Commissioners, and the matter was referred to the Corporation Counsel for his opinion. Mr. Whitney, in his response, stated that in 1811, when the Dock Commissioners submitted plans for the improvement of the entire river front, the Sinking Fund Commissioners approved of them only as far up the North River as Sixty-first street, virtually rejecting the plans for the district above that point.

It became the data of the Dock Commissioners to the river front in that locality, and a discussion of

only as far up the North River as Sixty-first street, virtually rejecting the plans for the district above that point.

It became the duty of the Dock Commissioners to offer substitutes for the rejected plans, but this it appears was not done until November last, when the present Commissioners, Messra. Dirucck and Vanderpoel, handed in for approval a plan for the proposed pier at the foot of Sixty-fitth street, and for the two already constructed at Sixty-third and Sixty-fourth streets. It transpired that in May, 1874, the New York Central road obtained from the then Dock Commissioners—Messra, Gardner, Westervelt and Budd—permission to construct the piers at the foot of Sixty-third and Sixty-fourth streets, and obtained also a lease of that portion of the land under water upon which they stand not already owned by the railroad for a term of three years at an annual rental of \$2,300. In 1877 the lease was renewed for ten years at \$5,000 per annum, with the privilege of renewals for fifty years. The validity of this lease and of what value it is are the real questions now under investigation, and to inform themselves upon the subject was the object of the visit of the Sinking Fund Commissioners yesterday. None of the gentlemen present seemed to attach much importance to the fact that the piers at the toot of Sixty-third and Sixty-fourth streets were constructed at an angle of sixty instead of nincety degrees with the buikhead, inasmuch as the ground covered by them and not owned by the railroad company has been leased to it. The maps showed that the greater portion of the land under water on the line of the proposed pier at the foot of Sixty-fifth street is owned by the railroad. There were no objections offered to the plan, the only question being, apparently, what would be a fair rental for the city property.

A TRUCE IN THE SHANTY WAR,

There was a lull in the shanty war at Seventyninth street and Ninth avenue yesterday; but, during the day, the unhoused denizens of the invaded locality were busy conveying the debris of their shancally were busy conveying the debris of their shan-ties to places of safety. From the "L" station at Eighty-dirst street, the high ground where the City Marshal and his force had been at work looked as if a hurricane had passed over the region. It is not likely that the battle will be renewed for some time to come, the warrants of dispossession not being ready for the formidable settlement below Seventy-first street.